



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,095	02/25/2005	Alessandro Corrado	23218	2746

535 7590 08/23/2007
K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

EXAMINER

KIM, HEE SOO

ART UNIT	PAPER NUMBER
----------	--------------

2109

MAIL DATE	DELIVERY MODE
-----------	---------------

08/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,095

Applicant(s)

CORRADO ET AL.

Examiner

Hee Soo Kim

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/25/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/25/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1~17 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/25/2005 was filed after the mailing date of 2/25/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Inventorship

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show proper labels of the diagrams as described in the specification. Any structural detail that

Art Unit: 2109

is essential for a proper understanding of the disclosed invention should be shown in the drawing. The drawings must explicitly show the proper steps of determining and identifying the BGP best route method for examiner to understand the claimed invention and enable proper search for prior art. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

Claims 6 is objected to because of the following informalities:

- The word "BGGP" is misspelled.

Appropriate correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1~17 are rejected under 35 U.S.C. 102(e) as being anticipated by McCollom et al. hereinafter McCollom (PGPub No.: 2003/0120769).

Regarding Claim 1 and 9, McCollom teaches a method and system for performing, for the benefit of a reference provider having a set of users, connectivity evaluations over a data communication network, said evaluations being made in relation

Art Unit: 2109

to at least one provider of interest (abstract), characterised in that it includes the steps of:

a. selecting a plurality of autonomous systems capable of forming at least one between a traffic source and a traffic destination for the users of said reference provider through the same reference provider (Fig. 1, Pg. 2, Par. [0023]),

b. supplying tables of BGP type containing information on paths available on said data communication network for the routing of said traffic with regard to the autonomous systems of said plurality (Pg. 3, Par. [0032]~[0033]),

c. extracting from said tables the paths of BGP type inherent to said at least one provider of interest, by finding out the paths that contain the respective number of autonomous system for said at least one provider of interest (Pg. 3, Par. [0025]~[0031]),

d. extracting for each autonomous system of said plurality, oriented sub-paths between each said autonomous system and said at least one provider of interest, by identifying for each sub-path the relating number of hops (Pg. 3, Par. [0025]~[0031]),

e. identifying, for each autonomous system of said plurality, at least one between the forward traffic volume and the backward traffic volume with regard to the users of said reference provider (Pg. 3, Par. [0025]~[0031]),

f. determining, for each of said sub-paths respective connectivity contributions as a function of said relative number of hops and of said at least one traffic volume (Pg. 3, Par. [0025]~[0031]),

g. determining, for each autonomous system of said plurality, the total connectivity values accumulating the connectivity contributions determined for the

Art Unit: 2109

oriented sub-paths extracted for said each autonomous system (Pg.3, Par.[0025]~[0031]), and

h. accumulating the total values of connectivity determined for the autonomous systems of said plurality, so as to obtain total connectivity values relating to said at least one provider of interest (Pg. 3, Par. [0025]~[0031]).

Regarding Claim 2 and 10, McCollom teaches the steps are carried out for a plurality of providers of interest present on said data communication network (Fig. 2, Pg. 3, Par. [0023]~[0033]).

Regarding Claim 3 and 11, McCollom teaches the step of sorting the values of total connectivity obtained for the providers of interest of said plurality in at least one sorted list (Pg. 5, Par. [0073]~[0075]).

Regarding Claim 4 and 12, McCollom teaches identifying, for each autonomous system of said plurality, both the forward traffic volume, and the backward traffic volume with regard to the users of said reference provider, and determining, for each of said sub-paths, respective contributions of connectivity as a function of said relating number of hops and of both said volumes of forward traffic and backward traffic (Pg. 4, Par. [0040]~Pg. 5 [0063]).

Regarding Claim 5 and 13, McCollom teaches the step of generating values of total connectivity for said at least one provider of interest disaggregated into values of total connectivity for forward traffic and backward traffic (Pg. 4, Par. [0040]~Pg. 5 [0063]).

Art Unit: 2109

Regarding Claim 6 and 14, McCollom teaches the step of submitting said tables of BGP type to a clean-up operation to eliminate the comments contained in said tables (Fig. 2, Pg. 2, Par. [0022], Pg. 5 Par. [033]).

Regarding Claim 7 and 15, McCollom teaches the step of detecting said traffic volumes through a function of NetFlow™ type (Pg. 1, Par. [0005]).

Regarding Claim 8 and 16, McCollom teaches the step of selectively reallocating the transit traffic through said reference provider on at least one part of said providers of interest of said plurality (Pg. 5, Par. [0075]).

Regarding Claim 17, McCollom teaches an information technology product, directly loadable on the internal memory of a digital computing unit and comprising portions of software codes capable of implementing the method according to claim 1, when the product is run on a computer (Pg. 3, Par.[0029]).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Art Unit: 2109


In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK
8/7/07



MARVIN LATEEF
SUPERVISORY PATENT EXAMINER